

REMARKS

The Substitute Specification does not contain any new matter. The amendments to the specification, claims, and drawings do not increase the number of pages beyond 100 in the application. The amendments to the claims do not result in the number of independent claims being more than three or in the number of claims overall being more than 20. No multiple dependent claims have been added by these amendments. Therefore no additional fees are necessitated by these amendments. Claim 1 as amended is patentable over the prior art because the prior art does not show the fill aperture, reservoir, valves, and cap as being edible. Indeed, Peterson (5,857,431) and Deshaies (5,944,516) teach that the reservoir should be of inedible materials such as “rigid plastic material or a hard rubber” (Deshaies at column 4, lines 22-25) or “natural rubber, polyurethane, polyethylene, and similar synthetic resinous materials” (Peterson at column 3, 11-13). Huettner (6,092,489) also involves plastics (column 1, lines 35-38). Hass (5,961,406) is only cited for the cord, but it also does not disclose or suggest an edible reservoir, fill aperture, valves, or cap. Claims 2, 3, 4, and 5 are patentable over the prior art for the same reasons. Claim 15 as amended is patentable over the prior art because the prior art does not show the reservoir as being biodegradable. Indeed, Peterson (5,857,431) and Deshaies (5,944,516) teach that the reservoir should be of non-biodegradable materials such as “rigid plastic material or a hard rubber” (Deshaies at column 4, lines 22-25) or “natural rubber, polyurethane, polyethylene, and similar synthetic resinous materials” (Peterson at column 3, 11-13). Claim 15 is also patentable over the prior art because the Deshaies check valve (22) seen at Figure 2 is not a biodegradable screw cap. The internal threads on that structure are to mate with a toothpaste tube (which is not biodegradable and not a cap). Huettner (6,092,489) also involves non-

biodegradable plastics (column 1, lines 35-38). Hass (5,961,406) is only cited for the cord, but it also does not disclose or suggest a biodegradable reservoir or a biodegradable screw cap. Claims 16, 17, 18, 19, and 20 are patentable over the prior art for the same reasons.

The claim rejections under 35 USC §112 have been mooted because the nipple like structure has been removed by the claim amendments.

The claim amendments do not constitute new matter because the application as originally filed stated, "The outer layer, valves, cap, fill aperture, and reservoir could all be made of substances which are edible for dogs, such as rawhide. They could also be made of biodegradable, expendable, indigestible substances such as wood so that the dog could eventually chew the toy away to nothingness." which language can currently be seen at page 5, lines 7-10 of the Substitute Specification. Mention of edibility was also made in the second to last sentence of the Summary of the Invention as originally filed. The screw cap was also disclosed in the specification as originally filed. It can now be found at line 1 of page 4 of the Substitute Specification.

Applicant has made an election of species II and specified claims (claims 1-6 and 15-20) as required by the Examiner. Applicant has supplied corrected drawing sheets as required by the Examiner to fix the views of Figure 1. The drawing objections concerning the attachment means are mooted because that feature has been removed by the claim amendments. The removal does not constitute new matter because claim 4 as originally filed showed the apparatus with cord but did not affirmatively claim an attachment means. The addition of new Figure 10 is not new matter because that image was part of Figure 1 in the application as it was originally filed.

WHEREFORE Applicant, Jeffrey Lynn Chamberlain, respectfully requests that the Examiner enter his amendments to the specification, claims, and drawings, accept his election of species,

and declare this application in a condition of allowability.

Respectfully submitted,

A handwritten signature in black ink, reading "Charles R. Sutton". The signature is fluid and cursive, with a long horizontal stroke at the end.

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